

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date October 20, 2015
Dept. City Attorney

Item Title: **Ordinance 434 - Ordinance Changes to Title 17 (Zoning) of the Lemon Grove Municipal Code to refocus Planning Authority from the Planning Commission to the City Council and to include Clerical Changes**

Staff Contact: James P. Lough, City Attorney

Recommendation:

1. Introduce and conduct the first reading by title only of Ordinance No. 434 (**Attachment B**) adopting various changes including clerical changes to Lemon Grove Municipal Code Title 17; and
2. Authorize the City Attorney to prepare a summary for publication and set the matter for second reading and adoption on November 3, 2015.

Item Summary:

The City Council has given direction to Staff to prepare ordinance changes to the municipal code to update the code to reflect the newly adopted planning approval process. The changes in the attached ordinance adopt conforming changes to the Municipal Code Zoning Title and other clerical changes.

Fiscal Impact:

None

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- A. Staff Report
- B. Ordinance changing portions of Title 17 (Zoning)
- C. Strike Out/Underline LGMC § 17.08.030 (Definitions)
- D. Strike Out/Underline LGMC Chapter 17.12 & 17.16 (misc. sections)
- E. Strike Out/Underline LGMC Chapter 17.20 (Special Overlay Districts)
- F. Strike Out/Underline LGMC Chapter 17.24 (District Regulations)
- G. Strike Out/Underline LGMC Chapter 17.28 (Procedure and Administration)

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3

Mtg. Date October 20, 2015

Item Title: **Ordinance 434 - Ordinance Changes to Title 17 (Zoning) of the Lemon Grove Municipal Code to refocus Planning Authority from the Planning Commission to the City Council and to include Clerical Changes**

Staff Contact: James P. Lough, City Attorney

Discussion:

Background

On September 15, 2015, the City Council adopted an Ordinance to assign Planning Commission jurisdiction to the City Council, which establishes the City Council as the City's primary Planning Agency. Changes need to be made throughout the Municipal Code to eliminate references to the Planning Commission and make sure that it is clear that the City Council has authority over various planning agency matters. This Agenda Item makes changes to Title 17 (Zoning) to implement Council direction. Some clerical and clarifying changes are also made to update the code in other respects.

Analysis:

The attachments (“C” – “G”) to the Ordinance are specific sections that cover adjustments that must be made to ensure there is consistency in the land use approval process. The references to the Planning Commission, if left in the code, will be inconsistent with the legal process put in place under Ordinance Number 431. This Ordinance eliminated the Planning Commission. With Ord. No. 431 in effect, the City Council is now the Planning Agency for the City.

Attachment “C”

Attachment “C” is a redline version of changes to certain the definitions found under Lemon Grove Municipal Code § 17.08.010 (Definitions). While most definitions in this section will remain the same, Attachment “C” adds and clarifies definitions needed to update the code's legal structure and to update the language on other land use issues.

The Ordinance amends the term “advisory body” to reflect the elimination of the Planning Commission. The definition now includes a reference to the “Community Advisory Commission”, which, on a discretionary basis, may be called upon by the City Council to play an advisory role on a land use matter. The Council would adopt a resolution to delegate a land use matter to the Community Advisory Commission seeking an advisory recommendation. The resolution would contain findings to demonstrate the reasoning of the City Council for seeking an advisory recommendation from the Commission.

The Ordinance amends the definition of “condominium” to update it the reference to reflect current state laws. There have been changes in the state codes applicable to local condo regulations and this definition reflects those changes. Attachment “C” also adds a new definition of “condominium project”. This new definition helps differentiate an individual condominium unit from an overall project. Staff will be bringing forward changes to the Subdivision Title to reflect both changes to implement the shift in legal authority to the City Council and to bring the Subdivision Title up to date on condominium issues. The additions of

Attachment A

updated condo language in the Subdivision Title will implement changes recommended in the recently adopted Housing Element to the General Plan.

Finally, Attachment “C” corrects the title of the Development Services Director. Throughout the code are references to “planning director”, “community development director” and other variations. These code changes have been correcting these inconsistencies in sections that are being amended. This definition makes clear both the title and the duties of the Development Services in her land use role under the Zoning Title.

Attachment “D”

Attachment “D” amends Chapters 17.12 (Zoning District Provisions) and 17.16 (Zoning Districts) to reflect the change in legal authority of the City Council and the change in legal title of the Development Services Director. Under LGMC § 17.12.070, the changes reflect that the City Council interprets the appropriateness of a particular use in a zone when there is a question about the application of the code.

The remaining sections in Attachment “D” reflect that the initial interpretation (zoning clearance) of the applicability of the land uses in the Zoning Title is made by the Development Services Director, eliminating references to the “community services director”. All of the changes Chapter 17.16 are to subdivision (B) of the various sections that establish “permitted uses” in each zone within the City. There are no other changes to Chapter 17.16 except retitling the Development Services Director reference in each section.

Attachment “E”

Attachment “E” addresses amendments to Chapter 17.20 (Special Overlay Districts). These areas are where the City Council has adopted special regulations that “overlay” the underlying zoning districts. In Lemon Grove, these are called Special Treatment Areas (STAs).

Attachment “E” amends two sections, 17.20.010 (Special Treatment Overlay Zones) and 17.20.040 (Special Sign Districts). The first one, Overlay Zones, has changes in subsections (B)-(I). There are three types of changes. (1) Changes of Planning Commission to City Council. (2) Changes to the Development Services Department designation. (3) Changes dealing with references to the former redevelopment project areas downtown.

Attachment “E” leaves in references showing that Section 17.20.010 has coterminous boundaries with the downtown redevelopment project area. These references are left in to help define the area’s boundaries. It removes other references to redevelopment regulations because of the dissolution of the Lemon Grove Community Development Agency.

Under Attachment “E”, 17.20.040 amends subsections (C) and (G), to make similar changes to reflect that the redevelopment agency is dissolved and changes related the Development Services Department.

Attachment “F”

Attachment “F” amends the Chapter containing general zoning district regulations. 17.24.010 (Off Street Parking) has changes in subdivision (C) granting authority to the City Council. 17.24.030(B) (Yards and Setbacks) has a grammatical change and a change granting authority to the City Council. 17.24.050(J) (Landscaping and screening) has a change related to the title “Development Services Director.” 17.24.060(B) is amended to remove a City Health Department reference and 17.24.060(C) has a grammatical change. Attachment “F” amends 17.24.060(D) to reflect the authority of the City Council. Attachment “F” amends 17.24.080(F) to change references to the Development Services Director. 17.24.081 removes references to the redevelopment agency and makes changes to reference new City Council authority and the Development Services Department. Finally, Attachment “F” makes similar changes to

Attachment A

17.24.090 (Nonconforming uses, structures and lots) to reflect City Council authority and the name change of the Development Services Department.

ATTACHMENT “G”

Attachment “G” amends Chapter 17.28 (Procedure and Administration). This attachment amends 17.28.010 (Administration) to restructure the process to have all appeals of staff determinations go to the City Council. All recommendations made by staff will go from the staff directly to the City Council. Most of the changes to Chapter 17.28 deal with the appeal process for various types of entitlements. Without a Planning Commission, the City Council now hears matters either through appeal from a staff determination or because it has original approval authority. In legislative matters, the City Council always had the final approval. The Planning Commission did not approve legislative items (i.e. zoning changes (17.28.080), specific plans (17.28.090), variances (17.28.060) and general plan amendments (Government Code 65800 *et. seq.*)), but made recommendations to the City Council. The changes in Chapter 17.28 reflect that change with the Development Services Director making recommendations to the City Council directly on legislative matters.

One type of administrative (quasi-judicial) approval, involved Planned Development Permits. If the PDP involves a major subdivision or a condominium map, final approval authority rested with the City Council. (17.28.030.) Approval authority will remain with the City Council but recommendations will come directly from the Development Services Director.

For other non-legislative approvals (administrative entitlements), the City previously used two methods. In both methods, the Council only heard matters through appeal. (17.28.020.) In one type of procedure, the Planning Commission made the original decision. These included PDPs for minor subdivisions or projects that fit the criteria set out in 17.28. 030(B).¹ In addition, conditional use permits (17.28.050) and variances (17.28.060) now will only require staff recommendation and City Council approval.

The City Council and Planning Commission only heard other administrative approvals on appeal. The Development Services Director has approved all temporary use permits (17.28.040), minor use permits (17.28.052), minor modifications (17.28.060) and zoning clearances (17.29.070). Now the appeals of these matters will go directly to the City Council. Attachment “G” brings the administrative procedure sections into line with the reorganization of land use authority.

One other significant change under Attachment “G” deals with hearing notices. Under 17.28.020(F)(2), public notices will be mailed to property owners that live within 500 feet of a project. This is a change from the 300-foot notice for all projects in the past and the change is based on City Council direction.

The City Council retains all authority it had before the reorganization. The City Council assumes all authority previously held by the Planning Commission. The Development Services Director retains all authority she had before the changes. However, the appeal structure now requires that the Development Services Director decisions either be subject to appeal directly to the City Council or be a recommendation to the City Council.

¹ A PDP is required for: 1. Development that includes five or more principal dwelling units, a major subdivision and/or a condominium map; 2. Development that includes three or more principal buildings on one site; 3. Development of principal uses on commercial, industrial, and/or mixed use sites of one acre or more; 4. Development in the Downtown Village specific plan area; or 5. Uses outlined in specific zoning districts.

Attachment A

Environmental Impact:

Pursuant to Public Resources Code Section 21065, this action does not constitute a “project” within the meaning of CEQA. The action has no potential to cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Conclusion:

Based on previous direction given by the City Council, Staff recommends that the City Council introduce Ordinance No. 434 by title to make conforming amendments to LGMC Chapter 17 and allow the publication of a Summary of the Ordinance in a newspaper of general circulation.

ORDINANCE NO. 434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING TITLE 17.28 (ZONING) OF THE LEMON GROVE MUNICIPAL CODE TO REASSIGN PLANNING DUTIES TO THE CITY COUNCIL AND MAKE OTHER PROCEDURAL AND CLERICAL CHANGES

WHEREAS, the City Council of the City of Lemon Grove adopted an Ordinance which established the City Council as the Planning Agency for the City of Lemon Grove; and

WHEREAS, the action to establish the City Council as the City's Planning Agency under the general laws of the State of California requires procedural changes in the Lemon Grove Municipal Code Title 17 (Zoning) to assist in the implementation of this reorganization; and

WHEREAS, this Ordinance reassigns Planning Commission duties to the City Council and clarifies the roles of City officers in planning matters related to Zoning; and

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows;

1. Lemon Grove Municipal Code Section 17.08.030 (Definitions) is amended change certain definitions ("Advisory body" & "Condominium"); to add definitions for "Condominium project" and "Development Services Director" and to repeal the definition "Planning Director" as shown in Attachment C, which is attached hereto and incorporated herein by reference as though fully set forth herein.
2. Lemon Grove Municipal Code Sections 17.12.070(B) & (C), 17.16.050(B), 17.17.060(B), 17.16.070(B), 17.16.080(B), 17.16.090(B) and 17.16.100(B) are amended to read as shown in Attachment D, which is attached hereto and incorporated herein by reference as though fully set forth herein.
3. Lemon Grove Municipal Code Section 17.20.010(B), (C), (F), (G), (H) & (I) and 17.20.040(C) & (G) are amended to read as shown in Attachment E, which is attached hereto and incorporated herein by reference as though fully set forth herein.
4. Lemon Grove Municipal Code Sections 17.24.010(C) & (I), 17.24.030(B), 17.24.050(J), 17.24.050(J), 17.24.060(B), (C) & (D), 17.24.080(F), 17.24.081(A), (B) & (C) and 17.24.090(F), (G), (H), (I), (K), (P), (Q), (R), (S) & (T) are amended to read as shown in Attachment F, which is attached hereto and incorporated herein by reference as though fully set forth herein.
5. Lemon Grove Municipal Code Sections 17.28.010(C), (D), (E) & (F), 17.28.020(B), (D), (F), (G), (H), (I), (K) & (N), 17.28.030(C), (D) & (E), 17.28.040(B) & (E), 17.28.050(D), 17.28.052(B) & (C), 17.28.060(E), 17.28.070, 17.28.080 and 17.28.090(C) are amended to read as shown in Attachment G, which is attached hereto and incorporated herein by reference as though fully set forth herein.

INTRODUCED by the City Council on October 20, 2015. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on November 3, 2015 by the following vote:

17.08.030 Definitions.

Throughout this title, the following words and phrases shall have the meanings found in this section: ...

“Advisory body” means a group of individuals that hears and provides recommendations about a proposed project. The advisory body has no decision-making authority. ~~The planning commission sits as an advisory body for certain use permits.~~ The Community Advisory Commission sits as an advisory body for zoning and land use matters when designated by City Council Resolution.

“Condominium” means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, water, or fixtures, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. ~~estate in real property consisting of an undivided interest in common as a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.~~

“Condominium project” means a real property development consisting of condominiums as defined herein and under Civil Code Section 4125 and 6542, as amended.

“Development Services Director” means the Director that oversees the department, which is delegated the principal responsibility over urban planning, permitting of development and improvement of private property, zoning, subdivisions and other land use matters under state and local law.

~~“Planning director” means the community development director of the city of Lemon Grove.~~

(Ord. No. 434 § 1 (2015); Ord. 422, 2014; Ord. 394 § 4, 2010)

17.12.070 Uncertainty of use classifications. ...

B. If the development services director believes that the determination of the appropriateness of a particular use in a zone should be made by the [City Council planning commission](#), all pertinent facts shall be transmitted to the planning commission for consideration at its next regular meeting. Any decision of the development services director ~~or planning commission~~ may be appealed pursuant to Section 17.28.020 of this title.

C. No provision of this title allows for the location of a marijuana dispensary or marijuana collective within any zone within the city. No further determination is required by the development services director, ~~planning commission~~ or city council regarding such uses at any location within the city. This provision is declarative of existing law in that such uses have never been interpreted to be allowed in the city and this title has not made provision for these uses since the adoption of the Compassionate Use Act by the voters of California in 1996. In November 2012, the voters of the city rejected Propositions "Q" and "T," which would have allowed such uses. Said rejection of these measures is evidence of the intent of the voters to continue the prohibition of marijuana dispensaries or marijuana collectives. ([Ord. 434 § 2 \(2015\)](#); Ord. 426 § 2, 2014; Ord. 386 § 3, 2009)

17.16.050 Residential/professional (RP) zone. ...

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the [Development Servicescommunity development_d](#)Director, are permitted by right, as verified by zoning clearance:

1. Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.
2. Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.
3. Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.
4. Government. Uses related to local, state, or federal government agencies in an office setting.
5. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including clinics, medical and dental laboratories that can be performed in an office setting.
6. Parking. Uses that provide for surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.
7. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.
8. Research and Development. Uses engaged in research and testing activities associated with discovering new or improved products, methods, processes, or services in an office setting.

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9. Residential. Residential uses that provide dwelling units as a multifamily or senior housing development as condominiums or apartments.

10. Residential Care—Small. Uses that provide residential/inpatient care in a small facility (one to eight people). [...](#)

([Ord. 434 § 2 \(2015\)](#); Ord. 394 § 4, 2010)

17.16.060 Central commercial (CC) zone. ...

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the [Development Servicescommunity development di](#)Director, are permitted by right, as verified by zoning clearance:

1. Animal sales and services—Pet supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.

2. Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.

3. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.

4. Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.

5. Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.

6. Food and Beverage Establishments without Drive-Through. Uses that prepare, provide, or serve food or beverages for consumption on or off the premises without drive-through service. Alcoholic beverage sales shall be subject to LGMC Chapter 18.27.

7. Government. Uses related to local, state, or federal government agencies in an office setting.

8. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods. This use does not include vehicle repair uses.

9. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including medical and dental laboratories that can be performed in an office setting.

10. Parking. Uses that provide for surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.

11. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.

12. Recreation—Small. Uses or facilities associated with indoor or outdoor, active or passive recreation for indoor occupancies less than fifty persons as determined by the building

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official, and outdoor occupancies less than fifty persons as determined by the community development director.

13. Research and Development. Uses engaged in research and testing activities associated with discovering new or improved products, methods, processes, or services in an office setting.

14. Residential Care—Small. Uses that provide residential/inpatient care in a small facility (one to eight people).

15. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.

16. Retail—Antiques. Uses that provide antique goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.

([Ord. 434 § 2 \(2015\)](#); Ord. 394 § 4, 2010)

17.16.070 General commercial (GC) zone. ...

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the ~~community development d~~[Development Services D](#)irector, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.

2. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.

3. Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.

4. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.

5. Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.

6. Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.

7. Food and Beverage Establishments with Drive Through. Uses that prepare, provide, or serve food or beverages for consumption on or off the premises that may include drive-through service. Alcoholic beverage sales shall be subject to LGMC Chapter 18.27.

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8. Funeral and Mortuary Services—No Assembly Space. Uses that provide services related to the death of a human (without crematoria). This use does not include assembly space.

9. Government. Uses related to local, state, or federal government agencies in an office setting.

10. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods. This use does not include vehicle repair uses.

11. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including medical and dental laboratories that can be performed in an office setting.

12. Parking. Uses that provide surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.

13. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.

14. Recreation—Small. Uses or facilities associated with indoor or outdoor, active or passive recreation for indoor occupancies less than fifty persons as determined by the building official and outdoor occupancies less than fifty persons as determined by the community development director.

15. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.

16. Retail—Antiques. Uses that provide antique goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.

17. Vehicle Equipment and Supplies Without Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles. This use does not include on-site installation....

([Ord. 434 § 2 \(2015\)](#); Ord. 394 § 4, 2010)

17.16.080 Heavy commercial (HC) zone.

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the ~~community development~~ [Development Services Director](#), are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.

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2. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.
3. Animal Sales and Services—Veterinary Services. Uses that provide medical or surgical care for household pets and small farm animals as defined in LGMC Chapter 18.16.
4. Broadcast and Production Studios without Outdoor Equipment. Uses that provide production, recording, and broadcasting of radio, television shows, motion pictures, and music. This use does not include outdoor equipment.
5. Building Services. Uses that provide construction, maintenance, and repair services for all structural and mechanical elements of structures and exterior spaces.
6. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.
7. Construction Supplies and Equipment. Uses that provide goods, including tools, to repair, maintain, or visually enhance a structure or premises.
8. Funeral and Mortuary Services—No Assembly Space. Uses that provide services related to the death of a human (without crematoria). This use does not include assembly space.
9. Government. Uses related to local, state, or federal government agencies in a warehouse setting.
10. Heavy Manufacturing. Uses that process materials for the fabrication of large equipment and machinery or high technology products, including manufacturing uses that typically produce noise, dust, or other pollutants capable of harming or annoying adjacent uses.
11. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use may include a retail component.
12. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods except motor vehicles.
13. Moving and Storage Facilities. Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.
14. Parking. Uses that provide for surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.
15. Research and Development. Uses engaged in research and testing activities associated with discovering new or improved products, methods, processes, or services that require an industrial setting.
16. Retail—Second Hand Merchandise. Indoor sales of used consumer products. This use does not permit outdoor sales or displays.

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17. Trucking and Transportation Terminals. Uses engaged in the dispatching and storage of large vehicles that includes maintenance and minor repair of vehicles stored on the premises.

18. Vehicle Equipment and Supplies without Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles. This use does not include on-site installation.

19. Vehicle Repair—Major. Uses that provide repairs that typically require overnight vehicle storage, such as rebuilding or reconditioning engines, transmissions, and similar major vehicle components; collision service including body, frame, or fender straightening or repair; overall painting or paint shop; upholstery. Facilities and operations shall comply with all standards set forth in this title.

20. Vehicle Repair—Minor. Uses that primarily provide replacement of parts, tune-ups, and similar minor services. This use does not include any operation listed under “Vehicle Repair—Major” or any similar major vehicle repair. Facilities and operations shall comply with all standards set forth in this title.

21. Vehicle Sales and Rentals. Uses related to the sale, lease, or rental of new or used vehicles or associated equipment including service, maintenance, and minor repairs.

22. Warehouse. Uses engaged in bulk storage as well as storage by individuals in separate storage compartments; may include outdoor sales.

23. Wholesale Distribution. Uses engaged in the bulk storage and distribution of goods, including wholesale showrooms and outdoor sales. [...](#)

([Ord. 434 § 2 \(2105\)](#); Ord. 394 § 4, 2010)

17.16.090 Limited commercial (LC) zone. [...](#)

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the [Development Services Director](#)~~community development director~~, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.

2. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.

3. Animal Sales and Services—Veterinary Services. Uses that provide medical or surgical care for household pets and small farm animals as defined in LGMC Chapter 18.16.

4. Broadcast and Production Studios without Outdoor Equipment. Uses that provide for the production, recording, and broadcasting of radio, television shows, motion pictures, and music. This use does not include outdoor equipment.

5. Building Services. Uses that provide construction, maintenance, and repair services for all structural and mechanical elements of structures and exterior spaces.

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6. Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.
7. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.
8. Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.
9. Funeral and Mortuary Services with Assembly. Uses that provide services related to the death of a human (without crematoria) that may include assembly space for occupancies less than fifty persons as determined by the building official.
10. Government. Uses related to local, state, or federal government agencies in an office setting.
11. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use may include a retail component.
12. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods except motor vehicles.
13. Moving and Storage Facilities. Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.
14. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.
15. Research and Development. Uses engaged in research and testing activities associated with discovering new or improved products, methods, processes, or services that require an industrial setting.
16. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.
17. Retail—Second Hand Merchandise. Indoor sales of used consumer products. This use does not permit outdoor sales or displays.
18. Warehouse. Uses engaged in bulk storage as well as storage by individuals in separate storage compartments; may include outdoor sales.
19. Wholesale Distribution. Uses engaged in the bulk storage and distribution of goods, including nurseries, wholesale showrooms and outdoor sales. [...](#)

([Ord. 434 § 2 \(2105\)](#); Ord. 394 § 4, 2010)

17.16.100 Light industrial (LI) zone.[...](#)

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B. Permitted Uses. Uses that are consistent with the following categories, as determined by the [Development Services Director](#)~~community development director~~, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.
2. Animal Sales and Services—Veterinary Services. Uses that provide medical or surgical care for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.
3. Broadcast and Production Studios without Outdoor Equipment. Uses that provide for the production, recording, and broadcasting of radio, television shows, motion pictures, and music. This use does not include outdoor equipment.
4. Building Services. Uses that provide construction, maintenance, and repair services for all structural and mechanical elements of structures and exterior spaces.
5. Business Support. Uses that provide printing, copying, photographic, computer, or technological services.
6. Construction Supplies and Equipment. Uses that provide goods, including tools and equipment, to repair, maintain, or visually enhance a structure or premises.
7. Government. Uses related to local, state, or federal government agencies in an industrial setting.
8. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use may include a retail component.
9. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods except motor vehicles.
10. Moving and Storage Facilities. Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary indoor storage of those same items.
11. Parking. Uses that provide for surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.
12. Research and Development. Uses engaged in research and testing activities associated with discovering new or improved products, methods, processes, or services that require an industrial setting.
13. Trucking and Transportation Terminals. Uses engaged in the dispatching and storage of large vehicles that includes maintenance and minor repair of vehicles stored on the premises.
14. Vehicle Equipment and Supplies with Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles that may include on-site installation.

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15. Vehicle Repair—Minor. Uses that primarily provide replacement of parts, tune-ups, and similar minor services. This use does not include any operation listed under “Vehicle Repair-Major” or any similar major vehicle repair. Facilities and operations shall comply with all standards set forth in this title.

16. Warehouse. Uses engaged in bulk storage as well as storage by individuals in separate storage compartments; may include outdoor sales.

17. Wholesale Distribution. Uses engaged in the bulk storage and distribution of goods, including wholesale showrooms and outdoor sales. [...](#)

([Ord. 434 § 2 \(2015\)](#); Ord. 394 § 4, 2010)

17.20.010 Special treatment area (STA) overlays. ...

B. General Provisions.

1. All development occurring in the special treatment areas shall comply with the planned development permit procedure specified in Section 17.28.030.

2. All development occurring in the special treatment areas shall comply with the standards of the underlying zoning designation, the general regulations of this title, and the provisions of this section. Where conflict occurs between any regulations affecting development within the special treatment areas, the more restrictive of any such regulations shall apply, unless the planning staff, ~~planning commission~~ or city council have exercised specific discretionary authority to establish special requirements to ensure that a development project or other land use complies with the vision, goals, policies and objectives of the general plan.

~~3. Direct vehicular access from private property in the special treatment areas on to arterial roadways shall be restricted, unless the planning commission or~~ city council finds that such direct vehicular access can be accomplished in a ~~manner which~~ manner, which does not adversely affect traffic flow or create a hazard to vehicular or pedestrian safety.

4. No development shall occur within any special treatment area unless adequate provision has been made for flood control.

C. Park Dedication. Within the residential special treatment areas, the following provisions shall apply:

1. A developer of property shall offer to dedicate to the city and improve land for public recreation, of a shape and location judged by the city to be suitable for public use, and of a size in accordance with the formula established in Chapter 18.36. If the city deems it desirable to enlarge the area to be used for public park land, the developer shall cooperate and negotiate with the city regarding matters of compensation and transfer of ownership.

2. If the ~~planning commission or~~ city council determines that the purposes and intent of the general plan and the recreation needs of the neighborhood can be better satisfied by development or enhancement of recreational facilities elsewhere in the community, the developer shall be required to pay an in-lieu fee in accordance with the formula established in Chapter 18.36.

3. Where the city does require the developer to dedicate and improve public park land, then the city may allow the developer to reduce the amount of common open space otherwise required in accordance with Section 17.24.070, in the manner to be negotiated. ...

F. Special Treatment Area III, Regional Commercial. The regional commercial STA is planned for continued redevelopment with large retail stores. Uses within this STA shall serve both local residents and attract shoppers from adjacent communities. Until new land use regulations are developed to implement the regional commercial policies of the general plan, land use will be governed by the regulations of the zoning categories currently in place as well as requirements in subsections (F)(1) through (5) of this section.

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1. Planned Development Permit Required. No development shall occur within the STA unless such development has been approved pursuant to the planned development provisions of Section 17.28.030. A planned development permit is required for all development regardless of the size of the property, the intensity of the proposed activity of the size of proposed structures.

2. Minimum Area for Development. No subdivision of land shall be permitted which causes fragmentation of land ownership, prior to development, pursuant to the adoption of the proposed regional commercial land use regulations. The smallest unit of land to be developed shall be an individual lot of record as of the effective date of the ordinance codified in this title. No parcel shall be subdivided for the purpose of developing portions of it independently, unless a development and phasing plan, determined by the city to be consistent with the proposed regional commercial land use, is prepared and approved for the entire parcel.

3. Incentives for Large Lot Development. It is the city's intent that this area shall be developed with large lot retail uses on parcels of land comprising at least one city block or having a minimum area of three acres. In order to encourage such development, the city ~~and its redevelopment agency~~ will cooperate with developers and will consider providing development incentives including, but not limited to the following:

- a. Expedited processing of land use and development permits;
 - b. The closing of public streets within proposed developments;
 - c. Flexible application of sign regulations.
4. Use of Existing Developed Properties.

a. The use, and change of use, of existing developed properties shall be governed by the regulations of the current underlying zoning. Except as otherwise stated in subsection (F)(4)(b) of this section, modifications to existing buildings, other improvements and overall site development shall be governed by the nonconforming use regulations set forth in Section 17.24.090 of this title.

b. Within the area bounded by Vista Avenue, North Avenue, the western boundary of the lots abutting West Street and the alley to the north of the properties that abut the north side of Broadway, the maintenance, establishment, and expansion of uses consistent with either the requirements of the general commercial (GC) zone or the heavy commercial (HC) will be permitted to occur, until large lot retail uses are established consistent with the goals of the general plan.

5. Use of Existing Undeveloped Properties.

Undeveloped properties may be developed with uses requiring a minimum investment in permanent improvements, such as outdoor storage operations that are aesthetically compatible with other permitted land uses in the STA. As the city would consider such operations interim uses of land, unless deemed necessary for public health and safety or for the protection of the public or adjacent properties, the city may choose to waive or defer requirements for permanent improvements, such as curbs and sidewalk and the undergrounding of overhead utility lines. However, appropriate screening of storage, paving where appropriate, and landscaping will be required. Section 17.20.010(F)(5) shall not apply to those properties that have become vacant as a result of the relocation of a business or other land use

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with the assistance of the Lemon Grove ~~community development agency~~ [Development Services Department](#).

G. Special Treatment Area IV, Western Central Avenue Residential. Other than the construction of one single-family dwelling on a single legal lot of record and permitted accessory buildings, no development shall occur in STA IV until an owner or owners of property have prepared a master development plan encompassing the entire STA consistent with the policies for this area established in the general plan.

1. Planned Development Permit. No development shall occur within the STA unless such development has been approved pursuant to the planned development provisions of Section 17.28.030. A planned development permit is required for all development regardless of the size of the property, the intensity of the proposed activity or the size of proposed structures.

2. No subdivision of land shall be permitted which causes fragmentation of land ownership prior to development pursuant to a master development plan, approved and adopted by the city, encompassing the entire STA. The smallest unit of land to be developed shall be an individual lot of record as of the effective date of the ordinance codified in this title.

H. Special Treatment Area V, Federal Boulevard Automobile Sales District. The Federal Boulevard automobile sales district shall be developed exclusively with new car automobile dealerships that have, as their primary business, the sale of new automobiles and which may include accessory uses that are customarily attendant to new car sales. Such accessory uses may be approved by the [planning commission](#) or city council upon a finding and determination that their inclusion as part of a new car dealership will contribute to the development and maintenance of a modern and productive automobile sales district. For purposes of this section, the terms “car” and “automobile” shall include within their meaning: truck and recreational vehicle, but shall not include motorcycle.

1. Planned Development Permit Required.

No development shall occur within the STA unless such development has been approved pursuant to the planned development provisions of Section 17.28.030. A planned development permit is required for all development regardless of the size of the property, the intensity of the proposed activity of the size of proposed structures.

2. Minimum Area Required for Development. No subdivision of land shall be permitted which causes fragmentation of land ownership, unless such subdivision has been found to be necessary or desirable to establish a land use which is consistent with the intent, requirements and conditions of this section. The determination that a land use proposal is consistent with the intent, requirements and conditions of this section shall be made by the [planning commission](#). ~~The decision of the planning commission may be appealed to the~~ city council.

I. Special Treatment Area VI, Central Lemon Grove Avenue. Properties within STA VI shall be developed with commercial uses that generate low traffic volumes, have a high noise tolerance, and require minimal slope disturbance.

1. Planned Development Permit Required.

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No development shall occur within the STA unless such development has been approved pursuant to the planned development provisions of Section 17.28.030. A planned development permit is required for all development regardless of the size of the property, the intensity of the proposed activity of the size of proposed structures.

2. In order to protect new development and adjacent properties, before all renovation or remodeling of existing uses involving any grading, and before all new development, a geotechnical study shall be prepared and appropriate measures shall be incorporated to ensure stability of the steep embankment at the rear of lots along Lemon Grove Avenue.

3. For all new development, a traffic study shall be required to identify access points from Lemon Grove Avenue that minimize disruptions to traffic flow.

4. No property within this STA shall have vehicle access from Noble Street and any development occurring, adjacent to that street shall formally relinquish such access.

5. The height of new structures shall not exceed the lesser of three stories or thirty-five feet.

6. Developers of new structures within the STA shall provide written notice of their intentions regarding development to the owners of adjacent properties, within three hundred feet of the exterior boundaries of the subject property, prior to filing an application for a planned development approval from the city. The owners of adjacent properties will be advised that their comments regarding the developers' proposal and their suggestions regarding the reduction of project impacts on surrounding properties may be filled in writing with the ~~city's community development~~ [City's Development Services Department](#). Such notice shall be sent by registered mail with return receipt and the developer shall provide proof of receipt of the notice by the property owners when the planned development permit application is submitted. ...

([Ord. 434 § 3 \(2015\)](#); Ord. 349 § 2 (part), 2005)

17.20.040 Special sign districts. ...

C. Central Business Special Sign District.

1. Areas Affected by Regulations. The regulations of the central business special sign district shall be applied to all properties within [former](#) redevelopment area No. 1, downtown revitalization area as adopted ~~or modified~~ by the [former](#) city of Lemon Grove redevelopment agency.

2. Criteria for Approval of Signs. The criteria for approval of signs within the central business special sign district shall be as established in Section 17.20.040(G) of the city of Lemon Grove development code.

D. (Reserved)

E. (Reserved)

F. (Reserved)

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G. Central Business Special Sign District.

1. Area Affected by Regulations. The regulations of the central business special sign district shall be applied to all properties within the former redevelopment project area No. 1, downtown revitalization area as adopted ~~or as modified~~ by the former city of Lemon Grove redevelopment agency.

2. Criteria for Approval of Signs. Subject to approval by the ~~community development~~ dDevelopment Services Director, businesses within the central business special sign district may display signs which may or may not conform to explicit standards regarding sign type or location when the following requirements are met:

~~a. All proposed signs must be found to be consistent with the downtown revitalization goals of the Lemon Grove redevelopment agency.~~

~~ab.~~ The total sign area, number of signs and height of signs for any business establishment shall not exceed the general limitations established by the city sign ordinance.

~~cb.~~ Two or more contiguous properties, for which a unified sign plan has been filed with the city, may be treated as single business establishment for purposes of the application of these special sign district regulations.

~~cd.~~ Each sign shall be designed so as to relate to the architectural style of the building or buildings on the site by means of compatible materials, colors and other design elements.

~~de.~~ All signs placed upon a building shall be dimensionally and are proportional to the building facings upon which they are displayed.

~~ef.~~ Each sign for a business establishment shall be related to other signs on the premises by utilization of one or more compatible design elements, such as materials, lettering, style, color, configuration and placement.

~~fg.~~ Signs shall not obscure or adversely affect signs or improvements on adjacent properties.

~~gh.~~ Roof signs as described in Section 18.12.070(J) shall not be permitted.

3. Application. Applications for sign permits for properties within the central business special sign district shall consist of the following:

a. A plot plan, drawn to a scale and denoting dimensions; indicating the location of all property lines, buildings and other structures, fences and walls, landscaped areas and all existing and proposed signs.

b. Detailed elevations of building faces where signs are to be installed, showing location and design of proposed signs and existing signs which are to remain.

c. Description of proposed sign materials, textures and colors and type and intensity of proposed sign lighting.

d. The applicant may be required to provide actual samples of colors or materials if deemed necessary by the ~~community development~~ dDevelopment Services Director. (Ord. 434 § 3 (2015); Ord. 349 § 2 (part), 2005)

Chapter 17.24 DISTRICT REGULATIONS

17.24.010 Off-street parking.

C. Parking Space Requirements.

1. Parking requirements shall be established by the primary use.
2. Fractional space requirements shall be rounded down to the nearest whole space.
3. When two or more uses are located in the same building and/or are common developments, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this section.
4. Off-street parking facilities for one commercial use may be considered as providing required parking facilities for another commercial use only if it can be shown that the business peak hours of the two uses are adequately offset. Such arrangement shall be subject to the approval of the community development director through the applicable discretionary permit process. Absent any applicable discretionary permit requirement, the community development director may approve the arrangement through a zoning clearance.
5. Where two or more commercial uses in a commercial development are combining parking facilities, the minimum space requirement may be reduced by up to one-quarter of the sum of the requirements of the various uses.
6. The ~~planning commission~~City Council may reduce the total number of parking spaces required for any multifamily residential development by up to fifty percent, based upon findings that the proposed development is located within close proximity (one-quarter mile) to a shopping center containing a store that provides basic necessities or public transit.
7. The ~~planning commission~~City Council may modify parking space requirements for any project provided the application is consistent with Section 17.28.060.
8. Parking requirements for uses not described in this section shall be one parking space per five hundred square feet of floor area.
9. Required off-street parking spaces shall be provided in the quantities defined in the following schedule:

Residential	
a. Single-family	Two spaces per unit, both of which must be garaged.
b. Duplex and multifamily	One space per studio apartment; two spaces for all other units, one of which must be covered. Guest parking shall be provided at a rate of

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	one space per four dwelling units.
c. Senior housing complexes, boardinghouses, and other sleeping accommodations	Applicant shall submit a parking study. Deed restrictions may be implemented as a part of the development approval process.
d. Accessory rental dwelling units	One space per unit.
Retail/Business and Professional/Research and Development in an Office Setting/Recreation (Fitness Clubs)	
Primary Use	One space per five hundred square feet of floor area.
Visitor Accommodations	
Primary	One space per two units.
Assembly use	One space per four persons permitted occupancy (CBC).
Assembly (Religious Worship, Entertainment)/Educational and Training	
Primary assembly space(s)	One space per four fixed seats or per thirty-five square feet of floor area where seats are not fixed.
Vehicle Service/Maintenance	
Station enclosed structure	One space per five hundred square feet of floor area.
Manufacturing/Research and Development in a Warehouse Setting	

	One space per five hundred square feet of floor area.
Recycling Facility	
	Section 18.14.040
Institutional (K—12th grades)	
	Two spaces per classroom

...

I. Parking Districts. The ~~city council~~[City Council](#) may implement parking districts where parking meters or other control devices or systems are needed to adequately manage public parking in a manner consistent with the California Vehicle Code. A survey shall be conducted to analyze the efficiency, safety, and regulation of the traffic upon the public streets. The city manager shall recommend areas in which new parking meter zones shall be established; recommend changes in old parking meter zones, the parking meter rate, and times of operation. The city manager's recommendation shall be based upon the following considerations:

1. Character of the neighborhood;
2. Density of metering;
3. Amount and type of on- and off-street parking;
4. Relative vehicle turnover;
5. Other such information as the ~~city council~~[City Council](#) may require or the city manager may deem appropriate.

The regulation of traffic by parking meters and the deposit of coins in such parking meters shall become effective upon the installation of appropriate parking meters and signs thereon, giving notice of such parking meter regulation and rate.

Funds received by any parking control system shall be allocated to the parking district in which it is located to offset the cost of the parking district program and to provide improvements to that district. A parking district shall be implemented consistent with Sections 17.28.080 and 17.28.090.

([Ord. 434 § 4 \(2015\)](#); Ord. 394 § 4, 2010)

17.24.030 Yards and setbacks. ...

B. General Provisions.

1. All required yards on the street frontage of lots shall be measured from the road public right-of-way line.
2. In any residential district, when more than fifty percent of the lots along a block face, or such other distance as is determined by the community development director to be appropriate,

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are developed, then the required front yard setback for a given lot shall be the lesser of either the yard standard for that district or the average of setbacks of those developed lots on both sides of the street provided a driveway length is not less than nineteen feet deep from the garage door to the property line or right-of-way.

3. In any commercial district, the front yard setback for a given interior lot shall be determined by the lesser of either the yard standard for that district or the average of setbacks of the two adjacent lots, if both such lots are developed.

4. Notwithstanding other limitations, all required yards may be used for landscaping, walkways and driveways.

5. On the street side of a corner lot, no building shall be placed within a triangular area formed by a line drawn between points twenty feet from the intersecting property lines of a corner lot, nor shall any fence or other structure within said area exceed three and one-half feet in height.

6. In the case of a triangular corner lot with two street frontages, either frontage may be selected as the front yard. The remaining frontage shall be considered a street side yard and the yard abutting the lot line without street frontage shall be considered a side yard.

7. Notwithstanding the specific standards of each zoning district, the street side yard of a corner lot shall be no less than ten feet.

8. A side ~~yard which~~yard, which abuts an alley or a private easement road, with a width of forty feet or less, shall not be considered a street side yard.

9. Residential lots which have greater than fifty percent of their street frontage on the enlarged portion of a cul-de-sac street shall observe a front yard setback of either fifteen feet or the average of the setbacks of the two abutting lots, whichever results in the lesser setback.

10. For new commercial buildings, sidewalk arcades and similar architectural features may be established and maintained in a required front yard upon approval of any encroachment permit. Such architectural features may be added to existing commercial buildings by conditional use permit (Section 17.28.050).

11. The minimum distance between a principal building and any other building on the same lot shall be ten feet; provided that any of the above distances shall be increased by one foot for each two feet that any building involves exceeds twenty-five feet, unless a more strict height regulation prevails.

12. No detached accessory building shall be closer than ten feet to any other building or closer than five feet to any property line.

13. Where a rear yard abuts an alley, one-half of the width of such alley may apply to the depth of the rear yard to the extent of not more than fifty percent of the depth of the required rear yard.

14. Unless otherwise specified, within commercial and industrial developments off-street parking may be permitted within that part of the required front or street side yard, except the outer five feet of such yards must be kept free of off-street parking when they abut any residential district.

15. Notwithstanding the specific standards of each zone, within the RL/M, RM, and RM/H zones interior side and rear yard requirements may be waived, to provide for zero lot line residential development, upon the approval of the ~~planning commission~~City Council. Approval shall be a part of the planned development permit process (Section 17.28.030).....

(Ord. 434 § 4 (2015); Ord. 394 § 4, 2010)

17.24.050 Landscaping and screening.

J. Fences in the (RL, RL/M, RM and RM/H) Residential Zones and the Residential Professional (RP) Zone.

1. Fences and walls that comply with the following requirements and do not exceed six feet in height may be constructed without a building permit when located on private property in all residential zones and in the residential professional (RP) zone when the subject property is developed with a residential land use. The ~~community development director~~Development Services Director may require the issuance of a building permit for entryway elements exceeding six feet in height when constructed of masonry, wood, metal, other heavy material or when required by the building code.

2. Fences located in the required front yard and side street setback may be a maximum of six feet in height provided:

3. Solid wood, masonry or other forms of solid fences, walls or screening devices located in the required front yard, and side street setback shall not exceed forty-two inches in height unless approved by the variance procedures of Section 17.28.060 of the Municipal Code except as follows:

4. Chain link fences, solid wood fences, solid masonry walls or hedges located in the front yard setback; interior side yard and the portion of the side street setback located in front of the principal structure(s) on the subject property shall not exceed forty-two inches.

5. No portion of a solid fence or wall located in the front yard or side street setback in front of the structure may exceed forty-two inches in height except for posts, pilasters, or columns. The portion of a fence or wall in excess of forty-two inches in height shall consist of open fence material as defined by Section 17.24.050(E)(2) such as open metal trellis, wrought iron or other open durable and rigid material or a durable, rigid transparent material that provides adequate visibility of the front of the property from the public right-of-way. Fences with vertically curved metal, wrought iron or similar design elements located between posts, pilasters or columns may exceed the six-foot maximum height by six inches at the highest point of the curved element. The use of wood or plastic lattice or other similar materials that do not provide adequate visibility of the front portion of the property or that require other than minimal maintenance is prohibited.

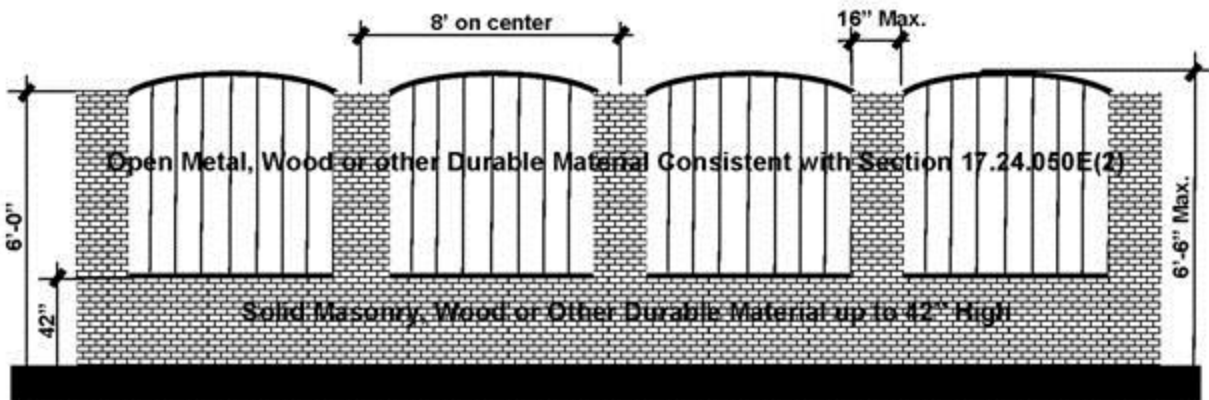
6. Fences and walls with posts, columns or pilaster features may be constructed provided these features are located a minimum of eight feet on center, unless a lesser distance is necessary to accommodate a wall with a horizontal curve, topography or other design constraint. Masonry pilasters, columns or similar features shall not exceed sixteen inches in width.

7. Landscaping that forms a solid barrier or hedge located adjacent to fences and walls in the front yard and side street setbacks are permitted provided the landscaping does not exceed forty-two inches in height.

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8. Fences exceeding six feet in height, measured from finished grade within the property, unless allowed pursuant to Section 17.24.050(E)(7) (above) in residential zones are prohibited. This provision does not prevent the placement of a fence or wall on top of a retaining wall that retains earth or soil to the full height of the retaining wall.

9. The use of barbed wire and/or razor ribbon is prohibited in all residential zones. Barbed wire or razor ribbon may be permitted on the rear lot lines of properties in residential zones where the rear lot line of a property located in a residential zone abuts a commercial or industrial zone upon approval of the community development director and where there is a demonstrated need for this type of fence material.



Residential Fences and Walls ...

([Ord. 434 § 4 \(2015\)](#); Ord. 394 § 4, 2010; Ord. 378 § 3, 2008; Ord. 349 § 2 (part), 2005)

17.24.060 Accessory buildings and uses.

B. Accessory Buildings and Facilities. All accessory buildings, structures, and facilities shall be designed in conformance with all applicable uniform codes and applicable regulatory requirements, including, but not limited to, Building and Fire, and Health Department Codes and shall obtain building permits, if required, prior to construction.

1. Attached Accessory Buildings. In cases where an accessory building is attached to the main building, it shall be made structurally a part thereof and shall comply in all respects with the requirements of this title applicable to main buildings.

2. Communications Facilities. The physical components that compose new wireless communications systems. Any type of building-mounted or freestanding communications structures may be allowed, subject to the following:

a. Structures shall be processed according to Section 17.24.080(F)(3), (Communications facilities).

b. Structures shall be located and constructed according to Sections 17.24.040(C) and (D), (Building heights).

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3. Detached Accessory Buildings. All buildings shall be compatible in siding and roof materials, roof overhang, and window treatments, with on-site structures; shall conform to Section 17.24.080, Performance standards; and shall not create any hazardous conditions as determined by the public works director and the building official.

a. In Commercial or Industrial Zones.

i. No building shall be located in a required front yard setback, no closer than ten feet to other buildings or closer than five feet to the rear or side property lines.

ii. The building shall not exceed two hundred square feet in area or fifteen feet in height, notwithstanding the provisions of Section 17.24.040, (Building heights).

b. In Residential Zones.

i. No building shall be located in a required front yard setback, no closer than ten feet to other buildings and no closer than five feet to the rear or side property lines.

ii. An accessory building not used for residential habitation but accessory to a residential use (shed, garage, workshop, etc). It shall not occupy more than thirty percent of the required rear yard setback.

iii. Accessory buildings shall be residential in visual character.

4. Kiosks, Stands, and Carts. City pre-approved models of these facilities are allowed on private property in commercial or industrial zones and on public property in any zone, subject to the following standards:

a. The facility shall only be used to operate accessory uses consistent with subsection (D)(6).

b. The facility shall be located in a stationary location and shall not expand without amendment to the original approval.

c. The location does not eliminate more than five percent of any required landscaped area or parking spaces.

d. The location of the facility shall not obstruct pedestrian or vehicular circulation.

C. Accessory Uses in All Zones.

1. Communications. Uses that provide exchanges of information through wireless communications facilities ~~components~~ components consistent with (Section 17.24.080).

2. Construction Staging and Laydown—Off-Site. Construction materials and equipment may be located on sites separate from, but in close proximity to, the approved construction site. The area shall include:

a. Screening fencing, storage areas, security measures.

b. Traffic plan.

c. Lighting for security purposes that is consistent with Section 17.24.080.

d. Water quality best management practices.

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e. Operations shall limit noise, dust, and nuisance to surrounding neighborhoods consistent with Construction Standards (Title 15).

3. Parking. Off-street parking that serves residents, employees, or patrons of a principal use, whether located on the same lot or on a different lot, is allowed in all zones, except:

a. Oversize vehicles and/or trailers, having a combined gross vehicle weight rating equal to or greater than twelve thousand five hundred pounds, may only park in residential zones for incidental short-term loading or unloading. This prohibition shall not apply to recreational vehicles, city-owned vehicles, school buses parked on public school properties, or vehicles parked on properties with facilities approved by conditional use permits (Section 17.28.050) or planned development permits (Section 17.28.030).

4. Community gardens consistent with provisions in Section 17.24.080, Performance and restricted use standards.

D. Accessory Uses in Residential Zones. Accessory uses shall be located on the same lot as the principal use, and shall not generate additional parking, landscape, or street improvement requirements, unless otherwise specified in this title. Permitted residential accessory uses include:

1. Accessory Rental Dwelling Units (ARDUs). ARDUs are allowed on a lot with one single-family dwelling in the RL, RL/M, RM or RM/H zone; it may be located within the primary dwelling or otherwise consistent with subsections (B)(1) and (2). An ARDU shall be deemed to be a residential use that is consistent with the existing general plan, zoning designations, and allowable density for the lot. No local ordinance, policy, or program to limit growth shall be applied to an ARDU. ARDUs are subject to the following requirements:

a. The ARDUs area shall not exceed six hundred forty square feet or thirty percent of the primary dwelling.

b. Separate sale or ownership of the ARDU is prohibited.

c. The ARDU shall comply with all yard and setback requirements which apply to single-family dwellings and the underlying zone.

d. Off-street parking for the single-family dwelling shall meet current city standards regarding setbacks, size, and number of spaces.

e. One additional off-street parking space shall be provided for the ARDU that meets the Section 17.24.010 standards.

f. Conversion of a garage into an ARDU is not permitted until compliance with Section 17.24.010 has been achieved, including replacement of the garage.

g. An ARDU shall not be permitted on a lot having a guesthouse or guest living quarters. Conversion of a guesthouse or guest living quarters into an ARDU is permitted provided the unit is consistent with the regulations set forth in this section.

h. The ~~planning commission~~City Council may modify or waive requirements in this subsection according to the variance requirements of Section 17.28.060.

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i. Appeals shall be processed according to Section 17.28.020, except that the appeal shall not include a noticed public hearing and shall only consider the project's compliance with the standards in this subsection.

2. Assembly Space. Assembly space that is supportive of and incidental to a principal use and utilized by employees or clients of the principal use.

3. Day Care. A facility licensed and equipped as required by law, which provides nonmedical care or supervision for periods of less than twenty-four hours, is allowed as follows:

a. Small family day care is permitted in single-family dwellings in all residential zones according to the following standards:

i. Day care is provided in a home for one to eight people, depending on ages, including children under the age of ten residing in the home.

ii. The day care provider shall reside in the home.

b. Large family day care is permitted in single-family dwellings in the RL and RL/M zones according to the following standards:

i. Day care is provided in a home for nine to fourteen people, depending on ages, including children under the age of ten residing in the home.

ii. The day care provider shall reside in the home.

iii. Obtain a minor use permit according to Section 17.28.050.

iv. Play areas shall be situated in such a manner as to minimize the impact of noise on surrounding properties. The community development director may require the installation of six-foot high masonry walls, landscaping, and/or other noise attenuating devices.

v. Adequate street capacity and an area sufficient for dropping off and picking up persons shall be provided to the satisfaction of the community development director and the public works director in a manner consistent with traffic safety requirements.

vi. A facility shall not be established within one thousand feet of another such facility. The distance between any two large family day cares shall be measured in a straight line, without regard to intervening properties or structures, from the closest exterior wall of each dwelling.

4. Garage, Yard or Estate Sales. The activity shall not be an ongoing commercial activity and shall be subject to the following standards:

a. The event shall not exceed three consecutive days.

b. The number of events per property or unit shall not exceed four in a twelve-month period.

c. Sale items shall not be stored outdoors during any period in which items are not being actively sold.

5. Home Occupations. See Chapter 18.20 for applicable requirements.

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6. Real estate sales/leasing offices may be located on the site of subdivisions of five or more lots.

7. Residential Complex Support. Manager's office, maintenance equipment yard, recreation facilities, laundry, vending machines, storage, or similar facilities. [...](#)

([Ord. 434 § 4 \(2015\)](#); Ord. 422, 2014; Ord. 394 § 4, 2010)

17.24.080 Performance and restricted use standards. ...

F. Restricted Use Standards. The restricted uses are uses that may be permitted subject to the identified process and subject to the supplemental regulations in this section.

1. Animal Sales and Services. Uses that provide veterinary treatment, grooming and care of household pets and small farm animals as defined in LGMC Chapter 18.16, pet sales, and supplies. The following standards shall apply:

- a. Outdoor storage and sales are prohibited.
- b. Proper sanitation shall be maintained at all times.
- c. All animal or poultry food shall be stored in metal or other rodent-proof containers.
- d. All live animals (if allowed) shall be properly caged or housed. Properly caged includes adequate space, ventilation, temperature, and access to food and water. Mechanical ventilation may be required in locations with high commercial intensities or residential densities.
- e. Business operations shall conform to LGMC Section 17.24.080, Performance standards.
- f. A trash and recycled materials enclosure shall be designed and constructed to serve the site to the satisfaction of the [Development Services](#)~~community development~~ director.
- g. Where a combination of animal sales and services types are located on one site, the most restrictive process and regulations shall apply.

2. Senior Housing. Housing as defined in 42 United States Code, Section 3607(c) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, paragraph 100.304; or as defined in Section 51.3 of California Civil Code, as amended. The following standards shall apply:

- a. Developments may be allowed by planned development permit (PDP) in all residential zones and residential professional, central commercial and general commercial zones.
- b. Developments shall conform to applicable requirements of the Fair Housing Act and the State of California Unruh Civil Rights Act.
- c. Developments shall be located within one thousand feet of shopping facilities or mass transit stops unless it can be shown that there are adequate methods of transportation available to the development.
- d. Developments shall provide on-site recreational or therapeutic facilities.

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e. Common open space requirements may be reduced by up to eighty percent provided private useable open space conforms to Section 17.24.070.

f. A parking study specific to the proposed complex shall be submitted with the PDP application packet. The parking study shall include a plan showing potential future conversion to a non-senior housing project and conformance to applicable parking standards.

3. Communications Facilities. Uses consisting of a variety of physical components that compose new wireless communications. The following standards shall apply:

a. Concealed facilities are those facilities that are completely concealed from public view.

b. All co-located facilities shall comply with previously established conditions within the resolution of approval(s) for the original facility.

c. All conduits and cables shall be placed underground.

d. The facility shall substantially conform to landscape, parking, and performance provisions in the Lemon Grove Municipal Code.

e. The project shall conform to the applicable requirements of the current CBC, UMC, UPC; NEC and Title 24 Energy and Disabled Access Regulations and Fire Codes.

f. The project shall comply with FCC requirements including Section 332(c)(7) and shall be processed in compliance to Government Code Section 65850.6.

g. Screening devices shall be required to adequately screen and secure equipment where equipment cannot be housed inside an existing building. Any screening device shall be made architecturally compatible with existing structures on-site.

h. One generator per site may be permitted by building permit subject to conformance to subsection E, standards listed above and the following standards:

i. The proposed installation shall conform to Lemon Grove Municipal Code noise restrictions and air pollution control district (APCD) requirements. Evidence shall be submitted as a part of the building permit application to show conformance to these requirements.

i. Prior to obtaining a building permit, the applicant shall submit a hazardous materials questionnaire to the county of San Diego and provide a copy of the signed questionnaire to the city.

ii. Provide complete documentation showing the fuel tank size and secondary containment if required on the building plans.

iii. The generator shall comply with the current UL compliance standards.

j. Installation of communications facilities shall not result in the elimination of required parking spaces.

k. Communications facilities that terminate operations shall be removed by the operator within ninety calendar days of termination.

4. Vehicle Services. Uses related to vehicle service, maintenance, and repair to ensure continued operations of a motorized vehicle. The following standards shall apply:

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- a. All vehicle repair activities shall be conducted within an enclosed building.
- b. All repair activities shall conform to subsection E, Performance standards.
- c. Outdoor storage shall conform to LGMC Section 17.24.060, Accessory buildings and uses

and shall only include storage of vehicles to be actively repaired. Outdoor storage of dismantled vehicles or vehicle components is not permitted.

d. The site shall be capable of handling all vehicular circulation on-site. Loading or unloading of vehicles or equipment or any vehicle maneuvering in the public right-of-way is not permitted.

e. A trash and recycled materials enclosure shall be designed and constructed to serve the site to the satisfaction of the ~~community development~~ Development Services Director.

f. Vehicle painting (if use is allowed) shall be conducted in approved spray booths.

g. The property owner shall remove any underground tanks if the use is discontinued.

h. Where a combination of vehicle sales and service types is located on one site, the most restrictive process and regulations shall apply.

5. Community Gardens. Uses that are collectively maintained gardens with rental plots of various sizes available to the public (members) for the cultivation of edible plants. The following standards shall apply:

a. Community gardens on developed sites must clearly be accessory and complementary to the principal use of the site.

b. Community gardens may be approved on vacant sites as accessory use provided the property is adjacent or contiguous to a property whose owner(s) manage or are active users of the community garden. The property owner of the vacant site shall provide authorization on a zoning clearance submittal.

c. On-site produce sales on residential properties are subject to garage, yard or estate sale provisions in Section 17.24.060(D)(4). On-site produce sales on commercial and industrial zoned properties are subject to Section 17.24.060, Accessory buildings and uses.

d. Community gardens on single-family residential lots (RLM and RL zones) shall not exceed five separate plots maximum.

e. Accessory structures supporting the community garden are subject to Section 17.24.060, Accessory buildings and uses.

f. Community garden hours of operation shall be limited to the hours between sunrise and sunset.

g. Community gardens shall not displace required vehicle parking spaces for the primary use, but may replace required landscape area.

h. Loading areas shall be identified on-site for community garden users in all zones. Parking for users must be identified on-site for properties in commercial and industrial zones

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(GC, HC, LI zones). Properties located in residential zones (RLM, RL, RM, RMH zones) may use available on-street parking for users.

- i. Composting may occur on-site provided composting activities and facilities are located no closer than five feet to a property line.
- j. Community gardens shall not generate odors or pests beyond what is normally found at a well-maintained residence.
- k. Trash/recycling receptacles shall be provided and screened from view as seen from public rights-of-way.
- l. Refuse shall be removed regularly from the site and the site shall be kept free from litter.
- m. Planting illegal or invasive plants is prohibited.
- n. The community garden shall be secured with appropriate physical barriers or other devices consistent with Section 17.24.050.
- o. On-going management must be formally established in an operation manual and the operation manual shall be a part of a zoning clearance application submitted to the city.
- p. Management is required to keep the community garden orderly, in good repair and well-maintained.
- q. All applicable codes and ordinances for the physical development of a community garden facility shall apply (grading, water quality and drainage, accessory structures, water conservation ordinance, etc.). ...

([Ord. 434 § 4 \(2015\)](#); Ord. 422, 2014; Ord. 394 § 4, 2010)

17.24.081 Special considerations for relocated businesses. ...

A. Purpose. These regulations are intended to provide a means whereby special land use approvals, including waivers and/or deferrals of normally applied standards, may be granted to businesses and other activities which have been compelled to move from one location to another, because the city, ~~or the city's redevelopment agency,~~ has acquired property for a public purpose through condemnation, or the threat of condemnation. In addition, these regulations are intended to:

- 1. Treat established businesses and activities in a fair and equitable manner;
 - 2. Ensure the continued provision of commercial and public services currently available to the citizens of the community;
 - 3. Help maintain the diversity and viability of the city's commercial base;
 - 4. Preserve and protect existing employment opportunities.
- B. Response to Emergency or Urgency Situation.
- 1. Even if a relocated business or activity fails to conform to one or more of the land use regulations governing development of its new site, the community development director may

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issue a temporary relocation permit when the city manager or executive director of the redevelopment agency formally declares that, as a result of the acquisition of land by the city or redevelopment agency through condemnation or threat of condemnation, the immediate relocation of a business, or activity is necessary for one or more of the following reasons:

- a. To prevent substantial damage to the affected business or activity;
 - b. To honor a contractual obligation;
 - c. To avoid a serious public liability;
 - d. To preserve and protect the health, safety and welfare of the neighborhood or community.
2. The permit shall specify the requirements or conditions which the ~~community development d~~Development Services Director determines to be necessary for such temporary relocation and may waive standard land use or development regulations which would render such temporary relocation impractical or impossible.
3. The permit shall be valid for the shortest period of time determined, by the ~~community development d~~Development Services Director, to be necessary to prevent the immediate potentially adverse consequences identified by the officer who formally declared the need for the temporary relocation of the business or activity.
4. At the earliest possible opportunity following the issuance of a temporary relocation permit, and no later than ninety days following such action, the City Council, at a regular or special meeting, will review the temporary relocation approval. The City Council may affirm the approval of the temporary relocation permit and specify its date of expiration, it may revoke the temporary relocation permit, it may require the owner or operator of the use or activity to apply for ministerial or discretionary approvals required by the city's zoning ordinance, or it may waive or defer specific development standards and requirements as set forth in subsection C of this section.
- C. **Waivers and Deferrals of Requirements for Relocated Business Activities.** When a business or activity has been relocated to another site as the result of its acquisition by the city ~~or the city's redevelopment agency~~ through condemnation by condemnation or threat of condemnation, the City Council may permanently waive or defer for a specific period of time, normal development standards and requirements for discretionary approvals where their strict application would be inconsistent with the purposes of this section as set forth in subsection A of this section and where such waiver or deferral would not adversely affect the public health, safety or welfare.

17.24.090 Nonconforming uses, structures and lots. ...

F. Reconstruction Permit.

1. Reconstruction permits—Class I. The community development department shall grant a reconstruction permit for the restoration of the following substantially destroyed structures, the

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use of which is nonconforming, subject to the requirements set forth in subsections (H)(1) through (4) of this section.

a. A nonconforming residential project originally authorized by the city of Lemon Grove discretionary planned development permit or other city discretionary approval subject to the same approval conditions.

b. Single-family dwelling, where reconstruction will result in no more than two such dwellings on a single lot zoned for single-family development and use.

c. Duplex dwellings, where reconstruction will result in no more than two attached single-family dwelling units, a single duplex, on a single lot zoned for single-family development and use.

2. Reconstruction permit—Class II. After a public hearing, the ~~planning commission~~[City Council](#), or, on appeal, the ~~city council~~[City Council](#), may grant a reconstruction permit for the restoration of the following substantially destroyed structures, the use of which is nonconforming, if the findings required by subsections (H)(1) through (4) of this section have been made and the permit application has been found to be consistent with the spirit and intent of subsections (H)(5) through (7):

a. Multifamily dwellings, other than those whose reconstruction authority is governed by subsection (F)(1)(a) of this section, when such dwellings exist on a property currently zoned for lower density residential use.

b. Nonconforming commercial uses in commercial zones.

G. Application for Reconstruction Permit.

1. Class I Reconstruction Permit.

Application for a Class I reconstruction permit as described in subsection (F)(1) of this section, shall be filed in the office of the community development department on such forms and accompanied by such plans and details as are required to obtain building permits for the construction of new buildings.

2. Class II Reconstruction Permit.

Application for a Class II reconstruction permit shall be filed in the office of the community development department upon forms provided, accompanied by a filing fee as established by resolution of the [City Council](#), and by such data and information as may be prescribed for that purpose by the community development director so as to assure the fullest practicable presentation of facts for the permanent record.

H. Findings/Standards for Reconstruction Permits. The community development department shall grant a reconstruction permit for the restoration of substantially destroyed Class I nonconforming uses or structures subject to the requirements set forth in subsections (H)(1) through (4) of this section. The ~~planning commission~~[City Council](#), or, on appeal, the [City Council](#), may grant a reconstruction permit for those nonconforming uses or structures listed in subsection (F)(2) of this section if it makes the following findings: findings 1, 2, 3 and 4 are mandatory. Findings 5, 6, and 7 will be applied by the approval authority in a discretionary

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manner so as to protect the general public health, safety and welfare of the community without arbitrarily and unnecessarily impeding lawful reconstruction pursuant to this section:

1. The proposed reconstruction will not increase the nonconformity existing prior to the date of the substantial destruction.
2. The proposed reconstruction complies with all current building and fire codes.
3. The substantial destruction was involuntary and occurred as a result of a catastrophic event such as earthquake, fire, explosion, or other casualty or act of God.
4. The proposed reconstruction can be carried out in a manner that will not be injurious to the public health, safety and welfare or cause injury to the residents of adjacent properties or the neighborhood in conformance with the performance standards set forth in Sections 17.24.080(B)(1), (2) and (4) through (11) of this title.
5. The proposed reconstruction is designed to minimize the appearance of nonconformity as viewed from the public street and from adjoining properties.
6. The proposed reconstruction maximizes, to the extent feasible, compliance with current city requirements regarding building and site design, building setbacks, off-street parking, landscaping and screening, and useable open space.
7. The application has been submitted within one year of the date of the substantial destruction.

I. Time Limits for Reconstruction of Nonconforming Dwellings and Uses.

1. For Class I nonconforming uses, a city building permit shall serve as the reconstruction permit. For such uses the building permit must be obtained and work thereunder shall be commenced within six months of issuance of the permit and shall be completed within twelve months of the commencement of construction. For Class II nonconforming uses, any reconstruction permit issued by the ~~planning commission~~[City Council](#) shall require that a building permit be obtained and work thereunder shall be commenced within six months of issuance of the permit and shall be completed within twelve months of the commencement of construction.

2. The ~~community development d~~[Development Services D](#)irector may approve a single one year extension of the period for restoration or reconstruction specified above if substantial and diligent progress toward completion has been made or, if not, the delay in, or inability to complete, the restoration is attributable to factors not reasonably within the applicant's control including, but not limited to, insurance settlement delays, the weather and the unavailability of necessary building materials. Any person dissatisfied with the decision of the ~~community development d~~[Development Services D](#)irector concerning the extension of time may appeal according to the procedure set forth in Section 17.28.020 of this title.

K. Alteration and Expansion. Except as otherwise provided in this section, any building or structure existing at the date of the adoption of the ordinance codified in this title, which is nonconforming either in use, design, or arrangement, shall not be enlarged, extended, reconstructed or structurally altered. No nonconforming use of land may be expanded or extended in any manner.

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1. Residential. Alterations, enlargements, extensions, or additions may be made to a residential structure which occupies a lot containing a nonconforming use, or to a nonconforming residential structure, which is used for residential purposes in a residential zone, as long as lot coverage is not increased by more than twenty percent. Except as otherwise stated in this section, a minor use permit shall be required for any such changes which will result in an increase in lot coverage of more than twenty percent. A minor use permit shall not be required for alterations, enlargements, extensions or additions to single-family dwellings which are nonconforming only with regard to building setbacks which fail to conform to current standards. All alterations, enlargements, extensions, or additions shall conform to the requirements in subsections (K)(1)(a) through (c) of this section and all additional requirements established by city ordinance or by resolution of the ~~planning commission~~City Council or ~~city council~~.

a. No lot, yard setback, open space, parking area or other space shall be reduced in area or dimension so as to make such area or dimension less than the minimum required by this title, and if already less than the minimum required by this title, such area or dimension shall not be further reduced or create additional nonconformity to this title.

b. If sufficient space or area is available to meet zoning ordinance setback requirements, covered parking spaces shall be encouraged to be provided in accordance with this title.

c. The proposed addition will not reduce existing, available required off-street or covered parking spaces.

2. Nonresidential. Within nonresidential zones, and for structures in residential zones not in residential use, a nonconforming building on structure shall not be enlarged or extended; except that the planning director may permit up to five percent enlargement of the floor area of a nonconforming building, and the ~~planning commission~~City Council may permit up to fifteen percent enlargement of the floor area of a nonconforming building, provided that:

a. The enlargement is of an incidental character and does not constitute a complete remodeling or relocation of machinery, equipment or apparatus used in operating the establishment in question, and can be carried out without injury to the residents of adjacent property and of the neighborhood; and

b. The development requirements of this title and all applicable city building and housing codes are fully complied with. ...

P. Change from a Nonconforming Use to Another Nonconforming Use. The ~~city council~~City Council may, by a majority vote of its membership, authorize a nonconforming use to be changed to another nonconforming use, upon a determination that the new nonconforming use can be carried without injury to the residents of adjacent properties and of the neighborhood, or that the benefit to the public health, safety or welfare exceeds any detriment inherent in such change.

Q. Conditional Expansion of Nonconforming Commercial Uses. Nonconforming commercial uses existing prior to August 1, 1983, in the general commercial and heavy commercial zones, may be expanded subject to the approval of a conditional use permit according to the procedure set forth in Section 17.28.050. The ~~planning commission~~City Council

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~~and city council~~ may presume that the expansion of such nonconforming use may be found to be consistent with the general plan, even though it may not fully conform with the adopted land use element map, if such expansion can be accomplished according to the following criteria:

1. The expansion is generally consistent with the purpose and intent of the general plan.
2. The expansion as proposed and as conditioned by the ~~planning commission~~City Council ~~or city council~~ will result in substantial benefit to the public.
3. The subject property and all existing and proposed improvements shall conform, as closely as possible, to all current regulations, standards and policies of the city, including, but not limited to those which affect:
 - a. Building and site design including building materials, colors, signage, paving, curbs and sidewalks;
 - b. Building, housing and fire codes;
 - c. Traffic circulation and off-street parking;
 - d. Landscaping and screening;
 - e. Control of noise, glare, fire and explosion hazards, dust and other airborne emissions including odors and smoke, liquid and solid wastes, and all other potential nuisances and hazards.

R. Conditional Expansion of Nonconforming Nonresidential Land Uses in the Residential Zones. Nonconforming nonresidential land uses, existing prior to August 1, 1983, in the residential zones, may be expanded subject to the approval of a conditional use permit according to the procedure set forth in Section 17.28.050. The ~~planning commission~~City Council ~~and city council~~ may presume that the expansion of such nonconforming use may be found to be consistent with the general plan, even though it may not fully conform with the adopted land use element map, if such expansion can be accomplished according to the following criteria:

1. The expansion is generally consistent with the purpose and intent of the general plan.
2. The expansion as proposed and as conditioned by the ~~planning commission~~City Council ~~or city council~~ will result in a substantial benefit to the public.
3. The subject property and all existing and proposed improvements shall conform, as closely as possible, to all current regulations, standards and policies of the city, including but not limited to those which affect:
 - a. Building and site design including building materials, colors, signage, paving, curbs, gutters and sidewalks;
 - b. Building, housing and fire codes;
 - c. Traffic circulation and off-street parking;
 - d. Landscaping and screening;

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e. Control of noise, glare, fire and explosion hazards, dust and other airborne emissions including odors and smoke, liquid and solid wastes, and all other potential nuisances and hazards.

S. New Dwelling Units. The number of dwelling units in a nonconforming building may be increased to the maximum density allowed in the district, provided that:

1. The nonconforming building is located in a residential district;
2. The units are added solely as a result of the division of the interior of the existing building, and the exterior dimensions of the buildings are not changed; and
3. The regulations of the district in which it is located, the development requirements of this title, and all applicable city building and housing codes are fully complied with.

T. Abatement.

1. Nonconforming Uses. Any nonconforming use, except residential uses, located in any residential district, shall be discontinued within a period of time to be determined by the ~~city council~~City Council after public hearings.

2. Nonconforming Structures.

a. Any nonconforming structure located in any residential district, other than dwelling, churches and schools, which structure is designed or used for a use permitted in a business district, shall be removed or altered to be structurally conforming within a time specified by the ~~city council~~City Council. In no event shall such time limit be less than ten nor more than forty years from the date such a structure became nonconforming.

b. The planning director shall cause notice to be given to the owners of any such structure at least five years prior to the time removal or alteration is required to be completed, and yearly thereafter until such five-year period has lapsed.

c. The provisions of this section shall not apply to ~~structures which~~structures, which are nonconforming only with respect to the yard requirements and parking requirements of this title. (Ord. 434 § 4 (2015); Ord. 386 § 3, 2009)

Chapter 17.28 PROCEDURE AND ADMINISTRATION

17.28.010 Administration. ...

C. Development Services Director. The development services director shall hear and decide applications for the various reviews and permits according to the procedures set forth in this title, and shall also perform such other duties as may be prescribed by ordinance, resolution, or direction of the ~~city council~~City Council.

D. ~~Planning Commission~~City Council. The ~~planning commission~~City Council shall hear and decide applications for the various reviews and permits according to the procedures set forth in this title. The ~~planning commission~~City Council shall also act as an appellate body, hearing any appeals from the decisions of the development services director.

E. ~~City Council~~City Council. The ~~city council~~City Council shall establish rules and regulations for the administration of this title. The ~~city council~~City Council shall hear and decide applications for the various reviews and permits according to the procedures set forth in this title. The ~~city council~~City Council shall also act as an appellate body, hearing any appeals from the decisions of the ~~planning commission~~Development Services Director. The decisions of the ~~city council~~City Council shall be final in all actions or appeals concerning this title.

F. As the body that establishes the rules and regulations under this title, the ~~city council~~City Council may, on its own motion, interpret the scope and meaning of any provision under this title, including the applicability of any provision to a particular person or property. The ~~city council~~City Council may request the advice on any interpretation from the ~~planning commission~~, development services director or any other advisory body it has formed, or chooses to form, for this purpose. (Ord. 434 § 5 (2015); Ord. 426 § 1, 2014; Ord. 386 § 3, 2009)

17.28.020 Application procedures. ...

B. Initiation. A *proposed* action may be initiated by application of the property owner, owner's agent, or another interested party, by the ~~planning commission~~City Council ~~or by the city council. ...~~

~~—D.— Application Submittal. Prior to submitting application packages~~ for permits or other approvals, the applicant shall obtain a zoning clearance according to Section 17.28.070. Thereafter, *application packages* shall be submitted to the ~~community development department~~Development Services Department upon a prescribed form, accompanied by applicable fees according to subsection (D)(1), and related materials necessary to show that the proposed *use, structures, and/or improvements* of the property comply with applicable provisions of this *code*, state law, federal law and the requirements and conditions of any associated permit. Each application filed by, or on behalf of, one or more property owners shall be verified by at least one such owner or the owner's authorized agent attesting to the truth and correctness of all facts, statements, and information presented.

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1. Fees. The ~~city council~~City Council shall establish and modify, by resolution, a schedule of fees and deposits for matters subject to this title. All applicable fees and deposits shall be paid in full prior to processing any application, appeal, or other matter for which a fee is required.

Applicable fees and/or deposits may be waived for charitable, youth or nonprofit organization activities upon approval by the city manager.

No fee shall be refundable except in any case where the ~~community development director~~Development Services Director determines and certifies any such fee or portion thereof has been received in error, in which case the amount of money received in error shall be refunded to the proper party. Refunds will be processed in the same manner as other demands against the city.

2. Concurrent Processing. Applicants with more than one application related to the same *project* may have all applications processed simultaneously. ...

F. Notices. The notice shall state the purpose of the notice, a *project* description, and an explanation of the permit process, and be given by a date certain to affected parties according to subsections (F)(1), (2) and (3), as appropriate.

1. Public Hearings. Notices for public hearings shall also state the time, place, and purpose of the public hearing and shall be given by publication at least ten *days* prior to the public hearing. Notices to affected property owners shall be given at least ten *days* prior to the public hearing according to subsection (F)(2).

2. Affected Property Owners. The notice shall be mailed to all real property owners within ~~three~~ five hundred feet of all exterior boundaries of the subject property at least ten *days* prior to the *decision*. Notices shall be mailed using the names and addresses of the owners as shown on the latest equalized assessment roll in the office of the county assessor. Where the address of such owner is not shown on such assessment roll, failure to send notice by mail to such property owner shall not invalidate any proceedings in connection with such action. In the event that the number of owners to whom notice would be sent according to this subsection is greater than one thousand, then notices may, instead, be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the affected area.

3. California Environmental Quality Act (CEQA) and State Law. Notices shall be made according to Government Code Sections 65090 through 65091, as amended. Processing time frames will apply unless extended environmental review is required by state law or this *code*.

G. Public Hearings. A public hearing is the opportunity for the *advisory body*, the *hearing body*, or the *appellate body* to obtain public testimony or comments prior to making a *decision*. The public hearing shall be conducted in accordance with this chapter and Section 2.14.090 of this *code*. Public hearings may be continued to another time without requiring further public notice, so long as the future time and place are announced before adjournment of the hearing.

1. Scheduling. Public hearings of the ~~planning commission~~City Council or the city council shall be subject to the rules regarding the placing of matters on its agenda, respectively. Subject to state planning and environmental laws, public hearings shall not be held earlier than ten or later than

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sixty *days* following submission of an appeal application or a *deemed complete* application according to subsection (E)(2). The time limit specified in this subsection may be extended by mutual consent of the applicant and the ~~community development director~~Development Services Director; however, in no case shall this time period exceed one hundred eighty *days*.

2. Notice. Notices of public hearings shall be given according to subsection (F)(1).

3. Outcome. At the close of the public hearing, the *advisory body* may recommend approval, conditions, limitations, or denial; while the *hearing body* or the *appellate body* may make a *decision*. The *hearing body* may impose such conditions or limitations as it deems necessary to serve the general purpose and intent of this title. The matter may also be referred back to the lower body for further consideration or action. The *appellate body* may sustain, modify, deny or reverse, wholly or in part, any *decision* by a lower body. The *decision* may also be referred back to the lower body for further consideration or action.

H. Decisions and Effective Date of Decisions. ~~Community development director~~Development Services Director *decisions* are made within thirty *days* of applications being *deemed complete*. ~~Planning commission~~City Council and ~~city council~~City Council *decisions* are made within twenty *days* of the close of the public hearing. *Decisions* shall become effective ten *days* following the *decision* date, unless an appeal has been filed according to subsection K.

Unless otherwise stated in the approval or permit, or in the conditions of approval, approvals and permits shall run with the land and shall continue to be valid upon a change of ownership of the *site* or *structure*.

1. Conditions of Approval. The ~~community development director~~Development Services Director, the ~~planning commission~~City Council and the ~~city council~~ may attach such conditions as deemed necessary to ensure compliance with this *code*.

2. Response to Referral. Where an application, appeal or other matter is referred to a lower body for further consideration, a response to that referral shall be submitted to the applicant and the referring body within forty *days* following said referral.

~~—I.—Appeals. Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other application~~ *decision* made in the administration of this title may appeal the *decision*. *Decisions* made by the ~~community development director~~Development Services Director are appealed to the ~~planning commission~~City Council. *Decisions* made by the Development Services Director~~planning commission~~ are appealed to the ~~city council~~City Council. *Decisions* made by the ~~city council~~City Council are final.

~~—Appeal applications, accompanied by the filing fee, shall be filed within ten~~ *days* following the date a *decision* is made, on forms provided by the ~~community development department~~Development Services Department. Appeals of ~~community development director~~Development Services Director *decisions* shall be submitted to the ~~community development department~~City Clerk. ~~Appeals of planning commission decisions shall be submitted to the city clerk.~~

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Appeals will be heard at a public hearing that has been noticed according to subsection F and conducted according to subsection G. Failure of the *appellate body* to make a *decision* according to subsection H shall be deemed in agreement with the previous *decision*.

All rights of appeal are exhausted when the proceedings set forth herein have been completed. An applicant shall not apply for the same or similar *use* affecting all or part of the property within twelve months of the *effective date* of the *decision* of denial, or as otherwise specified at the time of the *decision* of denial. ...

K. Time Extensions. At any time prior to the expiration of approvals or permits subject to this title, the permittee for such approval or permit may file a written request for an extension of time. The ~~community development director~~Development Services Director may grant an initial extension of the term of the permit. The ~~planning commission~~City Council shall consider all subsequent requests for time extensions, according to subsection (F)(2), and if:

1. The form and intensity of the *project* for which the approval or permit was issued have not been significantly altered, and
2. The conditions or circumstances which supported the findings of fact required for the original approval or permit have not changed and appear unlikely to change within the period of the proposed extension of time. ...

N. Revocation of Approvals and Permits. Any *structures* and/or *improvements* constructed, erected, altered, moved, or maintained contrary to a *use* permit and/or other provisions of this title, and any *use* of any land or *structure* established, conducted, or maintained contrary to an approval, permit and/or other provisions of this title, shall be declared to be unlawful and a public *nuisance*.

1. Procedure. The ~~community development director~~Development Services Director shall immediately commence action or proceedings for the *abatement* of a violation of this title, according to Chapter 1.24. If the owner, operator or other responsible entity fails or refuses to abate any public *nuisance* according to subsection N, the ~~community development director~~Development Services Director may schedule a public hearing, according to subsection G, to consider the following actions:

- a. Requiring whatever assurance deemed appropriate to guarantee that such violation will be corrected in a timely manner and will not occur again;
- b. Imposing additional conditions or limitations affecting the physical design of the property or its *use*;
- c. Revoking any approvals or permits subject to this title, according to the appeals provisions of subsection K.

In the event the ~~community development director~~Development Services Director refers an enforcement matter to the ~~city council~~City Council, the city attorney shall, upon order of the ~~city council~~City Council, immediately apply to such courts as may have jurisdiction to grant such relief as will abate and remove such *building* or *structure* and restrain and enjoin any person from erecting, maintaining, or using any property contrary to the provisions of this title. ...

([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.030 Planned development permits. ...

C. Findings. The ~~planning commission~~[City Council](#) ~~or the city council~~ may approve a planned development permit according to subsection E if the following findings are made:

1. The development is not detrimental to the public interest, health, safety, or general welfare;
2. The development complies with applicable provisions of this title and/or deviations that comply with applicable provisions in subsection D;
3. The development is consistent with *general plan* policies and standards and other applicable plans or policies adopted by the ~~city council~~[City Council](#);
4. The development density or intensity does not exceed *general plan* limitations;
5. Existing infrastructure such as utilities, transportation systems, and communication networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

D. Deviations. Development may deviate from development standards as described in Chapter 17.16, Zoning Districts, and Chapter 17.24, District Regulations, where it can be found that the *project* provides equivalent benefits and/or achieves efficiencies in *use, structures*, transportation and/or utility systems. Where deviations are recommended by the ~~community development director~~[Development Services Director](#), the hearing body may approve a planned development permit if the deviation is offset by one or more of the following design elements or features:

1. The development exceeds minimum resource conservation requirements, such as water, energy, materials, adaptive reuse;
2. The development exceeds the open space area requirements by at least fifteen percent;
3. The development provides recreational amenities, such as a swimming pool, volleyball court, fitness equipment, activity room, etc.;
4. The development provides outdoor amenities, such as site furnishings or informal dining/gathering spaces;
5. The development provides enhanced pedestrian, bicycle, and/or vehicular connectivity elements;
6. The development installs and maintains art available and accessible to the public;
7. The development provides outdoor commercial space associated with a principal commercial use, such as flower stands, newspaper stands, coffee/food carts, and kiosks;
8. The development implements an ongoing transit program(s);

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9. The development enhances, improves, manages, and/or programs activities for outdoor spaces through a supplemental service district.

E. Application Procedures. *Application packages* for planned development permits shall be processed according to Section 17.28.020. The advisory body and the hearing body for planned development permit applications shall be as follows:

1. The ~~planning commission~~[City Council](#) shall hear and decide applications for projects other than *major subdivisions* or *condominium maps* during the course of at least one public hearing, conducted according to Section 17.28.020(G).

2. The ~~planning commission~~[City Council](#) shall be the advisory body for *major subdivision* and *condominium map* applications during the course of at least one public hearing, according to Section 17.28.020(G). The ~~city council~~[City Council](#) shall hear and decide applications during the course of at least one public hearing, conducted according to Section 17.28.020(G). ([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.040 Temporary use permits. ...

B. Permit Categories. The following *temporary uses* may be authorized, consistent with *temporary uses* identified in the applicable zoning district:

1. Small Event. Events are categorized as “small” if the event is comprised of a subordinate extension of the established *principal use* on-site (e.g., sidewalk sales, flower sales) and of short duration (e.g., one-time annual event of one to three consecutive *days*).

2. Large Event. Events are categorized as “large” if the event is a singular annual event with unique characteristics which may promote the on-site *principal use* as well as philanthropic or charitable causes and community activities (e.g., carnivals, fairs, concerts, shows, tent sales, parking lot sales, special event lot sales including pumpkins and Christmas trees, auctions) or of a duration from four to thirty *days* (e.g., one-time annual events up to forty-five consecutive *days*).

3. Recurrent Events. Events are categorized as “recurrent” if the event, no matter the size or duration, is held more than two times in a twelve-month period. The ~~community development director~~[Development Services Director](#) may require recurrent events with impacts to be processed as a *minor use* according to Section 17.28.052. [...](#)

E. Application Procedures. *Application packages* for *temporary use* permits shall be processed according to Section 17.28.020. ~~Community development department~~[Development Services Department](#) staff shall process and decide *temporary use* permit applications *ministerially*. ([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.050 Conditional use permits. ...

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D. Application. *Application packages for conditional use* permits shall be processed according to Section 17.28.020. The ~~planning commission~~[City Council](#) shall hear and decide all *conditional use* permit applications during the course of at least one public hearing, conducted according to Section 17.28.020(G). ([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.052 Minor use permits. ...

B. Uses Subject to These Provisions.

1. *Large family day care* homes in accordance with Section 17.24.060(C)(15).
2. Facilities involved in the sale of *alcoholic beverages* that do not require *discretionary* approval by the ~~planning commission~~[City Council or city council](#).
3. Expansion of nonconforming *single-family dwellings* used for residential purposes in the R/L, RL/M, and RM zones where lot coverage is increased by more than twenty percent, subject to the criteria set forth in Sections 17.24.090(F)(1)(a) through (c).
4. Establishment of office *uses* in the general commercial *zone*.
5. Outdoor dining areas in excess of one thousand square feet associated with the principal permitted restaurant, eating or drinking establishment, or similar *use* on the subject property or adjacent public *right-of-way*, subject to the criteria set forth in Sections 17.24.060(C)(17)(a) through (j) and (C)(18)(a) through (p).

6. *Uses* outlined in specific zoning districts.

C. Findings. The ~~community development director~~[Development Services Director](#) shall approve a minor use permit if all of the following findings are made:

1. The *use* is compatible with the neighborhood or the community;
2. The *use* is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The *use* complies with performance standards according to Section 17.24.080;
- ~~4. The~~ *use* is consistent with the applicable provisions of the particular zoning district and with the policies and standards of the *general plan*. ...

([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.060 Variances and minor modifications. ...

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E. Application Procedures. *Application packages* shall be processed according to Section 17.28.020. The ~~planning commission~~[City Council](#) shall hear and decide *variance* applications during the course of at least one public hearing, conducted according to Section 17.28.020(G). The ~~community development director~~[Development Services Director](#) shall hear and decide minor modification applications subsequent to having been noticed according to Section 17.28.020(F)(2). (Ord. 386 § 3, 2009)

17.28.070 Zoning clearances.

A. Purpose. This section establishes procedures for conducting a zoning clearance review to ensure that all proposed uses, structures, and/or *improvements* comply with the applicable requirements of this *code*. The zoning clearance serves as a record of compliance. Prior to, or concurrent with, submitting an application for any *business* license, *building* permit, *improvement*, subdivision, or other change in use, the applicant shall obtain a zoning clearance. A zoning clearance also serves as a record of *decisions* for proposed uses, structures, and/or *improvements* ~~which, which~~ may not require additional approvals or permits in this *code*.

B. Exemptions. To the extent allowed by law, applications for *miscellaneous building permits*, at the determination of the ~~community development director~~[Development Services Director](#), shall be exempt from this chapter.

C. Application Procedures. *Application packages* for zoning clearances shall be processed according to Section 17.28.020. ~~Community development department~~[Development Services Department](#) staff shall process and decide zoning clearance applications *ministerially*. ([Ord. 434 § 5 \(2015\)](#); Ord. 386 § 3, 2009)

17.28.080 Zoning ordinance amendments.

A. Purpose. This section establishes the conditions under which Zoning Ordinance amendments may be made, and establishes procedures for processing Zoning Ordinance amendment applications. The ~~city council~~[City Council](#) may amend, supplement, or change the regulations, land use district boundaries, or classifications of property.

B. Findings. An amendment to this section may be granted if the following findings are made:

1. That the proposed amendment is consistent with the *general plan*, in accordance with California Government Code, Section 65860, as amended; and

2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.

C. Application Procedures. *Application packages* shall be processed according to Section 17.28.020. The ~~planning commission~~[City Council](#) shall be the *advisory body* for all Zoning Ordinance amendment applications during the course of at least one public hearing, conducted according to Section 17.28.020(G), and make a recommendation in a manner consistent with Government Code Sections 65853 through 65857, as amended, to the ~~city council~~[City Council](#). The ~~city council~~[City Council](#) shall hear

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and decide all Zoning Ordinance amendment applications during the course of at least one public hearing, conducted according to Section 17.28.020(G).

1. If the ~~city council~~City Council approves the proposed amendment, it shall adopt an ordinance amending the Zoning Ordinance, in accordance with California Government Code, Sections 36931 through 36937, as amended. (Ord. 434 § 5 (2015); Ord. 386 § 3, 2009)

17.28.090 Specific plans and amendments. ...

~~—C.— Application Procedures.~~ *Application packages* shall be processed according to Section 17.28.020. ~~The planning commission shall be the advisory body for specific plan and specific plan amendment applications during the course of at least one public hearing, conducted according to Section 17.28.020(G) and make a recommendation, in a manner consistent with Government Code Sections 65853 through 65857, as amended, to the city council.~~ The ~~city council~~City Council shall hear and decide all specific plan and specific plan amendment applications during the course of at least one public hearing, conducted according to Section 17.28.020(G). The City Council shall act in a manner consistent with Government Code Sections 65853 through 65857, as amended. A specific plan or specific plan amendment may be adopted by resolution or by ordinance, in accordance with California Government Code, Section 65453, as amended. (Ord. 434 § 5 (2015); Ord. 386 § 3, 2009)